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(3) Sub-sections (1) and (2) shall have effect although the said Act was not or might not have been in force at the relevant time.

Repeals. **10.** The Madras Tenants and Ryots Protection Act, 1946, and the Madras Tenants and Ryots Protection Ordinance, 1949, are hereby repealed. Madras Act XVII of 1946. Madras Ordinance VII of 1949.

APPENDIX IX.

[Vide item III (5) at page 658 supra.]

L.A. BILL No. 30 OF 1949.

(As passed by the Assembly.)

A Bill to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein and for certain other purposes.

WHEREAS it is necessary, pending further legislation, to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein; It is hereby enacted as follows:—

Short title, application, commencement and duration.

1. (1) This Act may be called the Madras Preservation of Private Forests Act, 1949.

(2) It applies—

(i) to private forests in the districts of Malabar and South Kanara having a contiguous area exceeding 100 acres and owned by a single person or by more than one person jointly;

(ii) to forests situated in estates defined in the Madras Estates Land Act, 1908, in the Province of Madras; Madras Act I of 1908.

(iii) to private forests situated in other areas in the Province of Madras and having a contiguous area exceeding 100 acres which may be declared by the Provincial Government to be forests for the purposes of this Act by notification in the *Fort St. George Gazette*,

but does not apply to reserved forests constituted under the Madras Forest Act, 1882, and lands at the disposal of the Government as defined in that Act. Madras Act V of 1882.

(3) It shall come into force at once and shall remain in force up to and inclusive of 2nd December 1950.

(4) Upon the expiry of this Act, the provisions of section 8 of the Madras General Clauses Act, 1891, shall apply as if this Act had then been repealed by a Madras Act. Madras Act I of 1891.

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2. In this Act unless there is anything repugnant in the subject or context,— Definition.

(a) 'forest' includes waste or communal land containing trees and shrubs, pasture land and any other class of land declared by the Provincial Government to be a forest by notification in the *Fort St. George Gazette*.

Explanation.—For the purposes of this clause 'communal land' means any land of the description mentioned in sub-clause (a) or sub-clause (b) of clause (16) of section 3 of the Madras Estates Land Act, 1908.

[Madras Act I of 1908.]

(b) 'owner' in relation to a forest includes a mortgagee, lessee or other person having right to possession and enjoyment of the forest;

(c) 'person' includes a Hindu undivided family, a Marumakkattayam tarwad or tavazhi and an Aliyasantana family or branch.

3. (1) (a) No owner of any forest shall, without the previous sanction of the District Collector, sell, mortgage, lease or otherwise alienate the whole or any portion of the forest. Preservation of private forests.

Explanation.—Nothing in this sub-section shall be construed as preventing the owner from selling or otherwise dealing with the right to gather and remove forest produce other than trees and timber in the usual or customary manner, for a period not exceeding two years.

(b) Any alienation made on or after the 16th August 1946 in contravention of clause (a) shall be null and void.

(2) No owner of any forest and no person claiming under him, whether by virtue of a contract, licence or any other transaction entered into before or after the commencement of the Madras Preservation of Private Forests Act, 1946, or any other person shall, without the previous permission of the District Collector, cut trees or do any act likely to denude the forest or diminish its utility as a forest:

[Madras Act XXVIII of 1946.]

Provided that nothing contained in this sub-section shall apply to the removal of dead or fallen trees or to any act done for the usual or customary domestic purposes or for making agricultural implements.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Provincial Government may exempt any forest or class of forests or class of trees therein from all or any of the provisions of this section.

4. Any person aggrieved by an order under clause (a) of sub-section (1) of section 3 or under sub-section (2) of that section in regard to the sanction or permission referred to in that clause or sub-section may, within two months of the receipt of such order, prefer an appeal in writing to the Provincial Government. The Provincial Government shall pass such orders on the appeal as they may think fit. Appeals.

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Stay of certain civil and criminal proceedings.

5. (1) All suits, proceedings in execution of decrees or orders and other proceedings including proceedings by way of appeal or revision, in which a claim to customary or prescriptive rights in a forest is involved and all criminal proceedings in respect of offences which are of the nature described in Chapter XVII of the Indian Penal Code and arise out of any act done in exercise or assertion of such customary or prescriptive rights, and which stood stayed up to the commencement of this Act or which may be instituted after such commencement, shall continue to stand stayed, or shall stand stayed, as the case may be, and shall not be proceeded with until after the expiration of this Act. Central Act XLV of 1860

(2) Notwithstanding anything contained in sub-section (1), the Provincial Government may direct that any suit or proceeding or class or classes thereof stayed under sub-section (1) shall be proceeded with from the stage which had been reached when the suit or proceeding was stayed.

Power to prohibit or regulate certain acts.

6. If, in the opinion of the Provincial Government, it is necessary for the preservation of a forest or forests, they may, by notification in the *Fort St. George Gazette*,—

(i) prohibit or regulate the doing of any act likely to be detrimental to the preservation of such forest or forests;

(ii) regulate the exercise of customary or prescriptive rights in such forest or forests.

Penalties.

7. (1) Whoever contravenes the provisions of sub-section (1) or sub-section (2) of section 3 or any of the terms of a notification under section 6 shall be punishable with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any magistrate of the first class, specially empowered by the Provincial Government in this behalf, to impose a sentence of fine exceeding one thousand rupees. Central Act V of 1898.

Institution of prosecutions.

8. No prosecution shall be instituted against any person without the sanction of the District Collector.

Bar of suits.

9. No order of the Provincial Government or the District Collector under this Act and no notification issued by the Provincial Government under section 6 shall be liable to be questioned in any court of law.

Power to make rules.

10. (1) The Provincial Government may make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the classes or kinds of trees which may be permitted to be cut and the girth of such trees;

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(*b*) the terms and conditions subject to which permissions may be granted;

(*c*) the procedure to be followed by the District Collector before granting permissions.

Continuance of suits and proceedings after the expiration of the Act.

11. All suits and proceedings stayed under this Act shall, after the expiration of this Act, be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit or proceeding was stayed.

Powers to remove difficulties.

12. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

Saving and validation.

13. (1) Any rule or order made or purporting to have been made, any notification issued or purporting to have been issued, any decision or direction given or purporting to have been given, any action or proceeding taken or purporting to have been taken, or anything done or purporting to have been done—

Madras Act XVIII of 1946.

(*a*) under any provision of the Madras Preservation of Private Forests Act, 1946 (hereinafter in this section and in section 14 referred to as the said Act) and in force immediately before the 3rd December 1948, or

(*b*) on or after the 3rd December 1948, under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

Madras Ordinance VIII of 1949.

(*c*) under any provision of the Madras Preservation of Private Forests Ordinance, 1949 (hereinafter in this section referred to as the said Ordinance) shall, subject to any subsequent modification or cancellation hereof purporting to have been made on or after that date under the said Act on the footing that the said Act was in force at the relevant time or under the said Ordinance, be deemed to be a rule or order made, notification issued, decision or direction given, action or proceeding taken, or thing done under the corresponding provision of this Act.

(2) Any liability or penalty incurred or purporting to have been incurred, and punishment awarded or purporting to have been awarded, and any prosecution commenced or purporting to have been commenced—

(*a*) under any provision of the said Act before the 3rd December 1948, or

(*b*) on or after the 3rd December 1948 under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

(*c*) under any provision of the said Ordinance shall be deemed to have been incurred, or commenced under the corresponding provision of this Act.

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demnity r acts, ›., done ter expiry Madras ›t XVIII 1946.

14. (1) No suit, prosecution or other legal proceeding shall lie in any court against any officer or servant of the Provincial Government or any person acting under his direction or adding or assisting him—

(*a*) for, or on account of, or in respect of, any sentence passed, or any act ordered or done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by the said Act, or

(*b*) for carrying out any sentence passed by any court in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the Provincial Government for, or on account of, or in respect of any act, matter or thing whatsoever purporting to have been done in pursuance of or under the said Act.

(3) Sub-sections (1) and (2) shall have effect although the said Act was not or might not have been in force at the relevant time.

epeals.

15. The Madras Preservation of Private Forests Act, 1946, and the Madras Preservation of Private Forests Ordinance, 1949, are hereby repealed. Madras Act XVIII of 1946. Madras Ordinance VIII of 1949.

APPENDIX X.

[Vide item III (6) at page 659 supra.]

L.A. BILL No. 31 OF 1949.

(As passed by the Assembly.)

A Bill to provide for the regulation of the production, supply and distribution of jute goods in the Province of Madras.

WHEREAS it is necessary to provide for the regulation of the production, supply and distribution of jute goods in the Province of Madras; It is hereby enacted as follows :—

hort title, xtent and ommencement.

1. (1) This Act may be called the Madras Jute Goods Control Act, 1949.

(2) It extends to the whole of the Province of Madras.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " Controller " means the Jute Controller appointed by the Provincial Government under section 3;

(*b*) " jute goods " includes all jute manufactures.

Appointment of Controller.

3. The Provincial Government may, by notification in the *Fort St. George Gazette*, appoint any person to be the Jute Controller for the Province.